

Issuer:	Riigikogu
Type:	act
In force from:	01.05.2023
In force until:	In force
Translation published:	19.04.2023

Museums Act

Passed 19.06.2013
RT I, 10.07.2013, 1
Entry into force 15.07.2013

Amended by the following acts

Passed	Published	Entry into force
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act
15.12.2015	RT I, 06.01.2016, 1	16.01.2016
12.12.2018	RT I, 21.12.2018, 5	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.02.2019	RT I, 19.03.2019, 13	01.05.2019
22.02.2023	RT I, 11.03.2023, 6	01.05.2023

Chapter 1 General Provisions

§ 1. Scope of regulation, purpose and scope of application of Act [RT I, 11.03.2023, 6 - entry into force 01.05.2023]

(1) This Act provides the definition of a museum, the bases for the organisation of the museum collection and activities of the museum and the insurance of a museum object and conditions for compensation by the state for the damage caused to the owner of the international exhibition.

(2) The purpose of the Act is to create conditions for the development of sustainable, professional and ethical museums that:

- 1) strengthen the understanding of individuals and communities understanding of culture, history and environment;
- 2) contribute to critical thinking about memory and identity;
- 3) preserve cultural and natural values for future generations;
- 4) promote a sense of community and cultural diversity;
- 5) create new knowledge and inspire;
- 6) promote education, well-being, equal opportunities and democracy;
- 7) take into account the needs of users throughout their life span when providing services.

(3) This Act is applied to a state museum and a museum of a state foundation. This Act is applied to a museum of a legal person in public law, a municipal museum and a private museum insofar as it is provided in this Act.

(4) This Act is not applied with regard to a research collection administered by a research and development institution in case it has successfully passed the assessment in accordance with the conditions established on the basis of clause 3 of subsection 4 of § 14 of the Organization of Research and Development Act.

(5) The Intra-Community Transport, Export and Import of Cultural Objects Act is applied to the transport and export of a museum object.

(6) The provisions of the Administrative Procedure Act are applied to administrative proceedings prescribed in this Act, taking account of the special rules provided in this Act.
[RT I, 11.03.2023, 6 – jõust. 01.05.2023]

§ 2. Definitions

(1) For the purposes of this Act a museum is a legal person or institution:

- 1) who has a museum collection, of which at least half of the museum objects are owned by the museum, or for at least half of which a contract for use for at least 50 years or a contract for use of the state-owned museum collection for an unspecified term has been entered into;
- 2) who purposefully collects intangible or tangible cultural or natural heritage;
- 3) who keeps records of museum objects based on the international documentation principles of museums;
- 4) who ensures the long-term preservation of the museum collection;
- 5) whose museum collection is available to those interested;
- 6) who conducts studies or research related to the museum collection and regularly presents its results to the public through exhibitions, educational activities or events, and scientific or popular science publications;
- 7) who do not distribute profits.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(2) A museum object is a thing of cultural value registered in a museum, for which records are maintained pursuant to the international principles of museum documentation.

(3) A museum collection is a collection of museum objects, which may be divided into subcollections according to the groups or types of museum objects.

(4) The collecting policy is the guidelines, forming the basis for purposeful replenishment of a museum collection, which provide clear selection criteria for the replenishment of the museum collection. The collecting policy is devised in accordance with the overview of the current museum collection and the analysis of the opportunities for the increase and preservation conditions, taking account of, among other, the activities of the museums in the same region or in a similar subject area and other cultural heritage institutions.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(5) An auxiliary collection is a collection formed for the purpose of supporting the functions of a museum, the things included in which are not museums objects.

(6) A thing admitted for deposit in the museum is an object of cultural value admitted for deposit from an institution, legal or natural person, which is not included in the museum collection. A museum object borrowed from another museum or included in the auxiliary collection is not considered a thing admitted for deposit.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 2¹. Division of museums according to form of ownership

According to the form of ownership, museums are divided as follows:

- 1) a state museum – a state agency managed by a ministry, a government authority operating in the area of government of a ministry, or a structural unit of the specified institutions;
- 2) a museum of a state foundation – a state foundation, a foundation established with the participation of the state or a structural unit of the specified persons or a foundation established by the specified persons;
- 3) a municipal museum – an institution of a local government unit or a legal entity established by a local government unit, the co-founder of which is not the state, or a structural unit of the specified institution or person;
- 4) a museum of a legal person in public law – a legal person in public law or its structural unit;
- 5) a private museum – a legal person in private law or its structural unit, which is not a museum of a state foundation or a municipal museum.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 3. Counselling of museum

(1) A state museum and a museum using a state-owned museum collection on the basis of an administrative contract concluded on the basis of § 9 of this Act (hereinafter a museum using a state-owned museum collection) shall counsel persons, if possible, on the matters of the intangible and tangible cultural heritage.

(2) A state museum, a museum using a state-owned museum collection and a museum of a legal person in public law that has voluntarily joined the database of museums established on the basis of § 15 of this Act, a municipal museum and a private museum (hereinafter together a museum that has joined the database of museums) shall be entitled to receive counselling from the National Heritage Board upon organisation of the museum collection and the performance of the functions of a museum.

[RT I, 19.03.2019, 13 – entry into force 01.05.2019]

§ 4. Property in possession of museum, use and disposal thereof

(1) Property in the possession of a museum consists of museum objects and other monetarily appraisable things and rights necessary for the performance of the functions of a museum.

(2) Property in the possession of a state museum shall be possessed, used and disposed of pursuant to the procedure provided for in the State Assets Act, taking account of the specifications of this Act.

(3) Property in the possession of a museum of a state foundation, a museum of a legal person in public law, a municipal museum and a private museum shall be possessed, used and disposed of pursuant to the procedure provided for by the founder of the museum, taking account of the specifications of this Act.

Chapter 2

Organisation of museum collection

§ 5. Principles of replenishment of museum collection and procedure for replenishment of museum collection and acceptance on deposit of thing of cultural value

(1) A museum collection of a museum that has joined the database of museums shall be replenished purposefully pursuant to the collecting policy established by the museum.

(2) The collecting policy of a museum that has joined the database of museums is approved by the head of the museum, a person appointed by the founder of a museum of a legal person in public law or its decision-making body, taking account, among other, of the position of the National Heritage Board. The museum publishes the collecting policy on its web page.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(3) A museum that has joined the database of museums shall not register a thing of cultural value as a museum object if:

- 1) a thing does not comply with the collecting policy of a museum;
- 2) the transferor of the thing sets special conditions that are in conflict with the long-term interests of the museum and its visitors;
- 3) the conditions or budgetary means for keeping record of, preservation or exhibiting a thing are missing.

(4) Upon replenishment of a museum collection a museum that has joined the database of museums shall:

- 1) within available means, ascertain the origin of a thing of cultural value to prevent registration of a thing that has gone out of the possession of the owner against his or her will or taken out of another state;
- 2) take into account the collecting policy of other museums in the same region or in a similar subject area and of other cultural heritage institutions.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(5) The procedure for replenishment of a museum collection and acceptance of a thing of cultural value on deposit with the museum is established by a regulation of the minister in charge of the policy sector. The regulation prescribes the requirements applied to the registration of a thing as a museum object and formalisation of the actions performed upon acceptance on deposit with the museum, and the requirements for the formalisation of the actions performed upon the grant for use of a museum object and a thing accepted on deposit with the museum, deaccessioning from the museum collection and return thereof to the entitled person.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 6. Marking and preservation of museum object and thing accepted on deposit

(1) A museum that has joined the database of museums marks each museum object and thing accepted on deposit with the museum and ensures the preservation thereof.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(2) To check the presence and condition of a museum object and a thing accepted on deposit with the museum, a state-owned museum and a museum using the state-owned museum collection conduct inventories considering that all the museum objects and things accepted on deposit would be checked at least once every five years. At a reasoned request of a museum the National Heritage Board may extend this term by a directive.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(3) The procedure for marking and preservation of a museum object and a thing accepted on deposit with the museum is established by a regulation of the minister in charge with the policy sector.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 7. Transfer of museum object to another museum, library and National Archives of Estonia

[Repealed – RT I, 11.03.2023, 6 – jõust. 01.05.2023]

§ 8. Grant for use of museum object

A museum object included in a state-owned museum collection may be granted for use to another museum, agency, legal and natural person for research, exhibition, and other purposes if the museum is convinced that the museum object is preserved as required.

§ 9. Use of state-owned museum collection

(1) A state-owned museum collection or its subcollection (hereinafter in this section collection) may be granted for use to a museum of a state foundation, a museum of a legal person in public law, a municipal museum, and a private museum free of charge on the basis of an administrative contract in case its activities are in accordance with the provisions of subsection 1 of § 2 of this Act.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(2) The administrative contract shall be concluded by the minister who directs the ministry being the administrator of state assets for the purposes of the State Assets Act.

(3) The administrative contract shall prescribe the duties for the preservation and use of the collection, the obligation and conditions for replenishment of the museum collection, the amount of budgetary support prescribed for the specified activities, the intended purpose of such use and the procedure for submitting the report on using the support, the term of use of the museum collection if the collection is granted for use for a specified term, and the bases for termination of the administrative contract and for the claim of recovery. The conditions for charging a fee for the services related to the communication of the collection to the general public may be prescribed in the administrative contract, taking account of the provisions of subsection 3 of § 20 of this Act.

(4) Upon the grant of the collection for use for a specified term the term may exceed ten years.

(5) A list of museum objects in which the condition of each museum object is noted, and a list of records shall be appended to the administrative contract.

(6) If a museum that uses a state-owned collection terminates activities, the minister who concluded the administrative contract shall decide the transfer of the collection to another museum specified in subsection 1 of this section.

§ 10. Transfer of museum collection upon termination of activities of state museum

Upon termination of activities of a state museum the museum collection together with the records is transferred to another museum that has joined the database of museums, a library or the National Archives of Estonia or the archives of the local government or for use to a museum of a state foundation, a museum of a legal person in public law, a municipal museum or a private museum in accordance with the procedure provided in § 9 of this Act, retaining, where possible, the integrity of the museum collection without subcollections or of the subcollection.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 11. Deaccessioning of museum object from museum collection

(1) A museum object of a museum that has joined the database of museums is deaccessioned from a museum collection in case the museum object:

- 1) has been destroyed;
- 2) has gone out of the possession of the owner against the will of the owner before the registration in the museum collection or has been taken out of another state. In such case it is transferred to the owner or returned to another state.

(2) A museum object may be deaccessioned from the museum collection in case:

- 1) the belonging of a museum object to the museum collection is not in accordance with the collecting policy of the museum;
- 2) there are museum objects which are, to a significant extent, similar to a museum object in the museum collection of the same museum or another state-owned museum collection, which are in a better condition or the data of cultural value with regard thereto is more complete.
- 3) the museum object cannot be found or identified and there is sufficient reason to believe that it has not been preserved;
- 4) the museum object is damaged, and it is not possible or expedient to restore it.

(3) The deaccessioning of a museum object from the museum collection on the basis provided in subsections 1 and 2 of this section and the selection of the manner of disposal of the museum object is made by the decision of the head of the museum, taking account of the reasoned proposal of the committee of at least three members formed by the head of the museum.

(4) A thing deaccessioned from the museum collection of a state-owned museum on the basis provided in clauses 1, 2 and 4 of subsection 2 of this section are taken into use in the same museum for the purpose of supporting the functions of the museum, transferred to another museum regardless of the form of ownership of

the museum, or to the government authority, to a local government agency or legal person that are acting in the public interests, or are returned to the person who has donated or sold the museum object to the museum.

(5) In case the activities provided in subsection 5 of this section are impossible, the thing is transferred for a consideration at a public auction, regardless of the usual value of the museum object.

(6) The public auction is held electronically and the auctioneer for the purposes of the State Assets Act is the National Heritage Board.

(7) In case by the assessment of the administrator of the state assets, the expenses of the transfer would exceed the profit to be gained or in case it is impossible to transfer a thing at a public auction, it is written off and destructed in accordance with the procedure for declaring the state assets unserviceable, writing them off and destructing, established by the administrator of state assets on the basis of subsection 2 of § 55 of the State Assets Act.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 12. Restrictions on use of museum object

(1) A museum object may not be transferred or encumbered with a pledge unless otherwise provided for by this Act.

(2) [Repealed – RT I, 11.03.2023, 6 – enters into force. 01.05.2023].

(3) A museum object included in the museum collection of a state-owned museum may be granted for use and deaccessioned from the museum collection only on the bases provided for in this Act.

(4) Upon the termination of a museum of a person in public law, a municipal museum or a private museum that received operating support from the state budget at least once during the ten years prior to termination, in the case of the transfer of a museum object free of charge, the owner of the museum collection is required to offer the museum object first to the state and after the state has surrendered, may transfer it to another person. In the case of the transfer of a museum object for a consideration, the state has the right of pre-emption. Upon transfer of a museum object the provisions of the Law of Obligations Act regarding the right of pre-emption are applied to the right of pre-emption.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 13. Claim for payment on museum collection and museum object

The restrictions provided for in the Code of Enforcement Procedure shall be applied upon making a claim for payment on a museum collection and a museum object included in the museum collection.

§ 14. Return of movable monument accepted on deposit

A museum that has joined the database of museums shall notify the National Heritage Board of the returning of a movable monument accepted on deposit with the museum to the entitled person.

§ 15. Database of museums

(1) The database of museums is established by the minister in charge of the policy sector for registration of a thing of cultural value as a museum object, preservation of the data collected with regard to a museum object and a thing accepted on deposit with the museum, and for registration of actions performed with a museum object and a thing accepted on deposit with the museum, as well as for introduction, free of charge, of a museum object and a thing accepted on deposit with the museum. The statutes of the database of museums are established by a regulation of the minister in charge of the policy sector.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(2) The database of museums may keep record of the acts performed with regard to a thing included in the auxiliary collection, the data collected thereof and acts performed with a thing included in the auxiliary collection.

(3) The controller of the database of museums is the National Heritage Board.

[RT I, 19.03.2019, 13 – entry into force 01.05.2019]

(4) The duties of the controller of the database of museums may be performed by a legal person in private law on the basis of an administrative contract to the extent prescribed by the controller.

(5) Joining the database of museums shall be compulsory for a state museum and a museum with which an administrative contract is concluded for the use of the state-owned museum collection pursuant to § 9 of this

Act, except for the museum collection in the field of nature for which data shall be available to the public in another manner.

(6) A museum of a legal person in public law, a municipal museum and a private museum have the right to join the database of museums submitting an application to the National Heritage Board. The National Heritage Board decides on the joining of the museum on condition that the activities of the museum are in compliance with the provisions of subsection 1 of § 2 of this Act. The joining with the database of museums takes place by entry into a contract between the museum and the National Heritage Board.
[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(7) The joining with the database of museums and the using thereof shall be free of charge for the museums.

(8) [Repealed – RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 16. Processing of personal data and specifications of copyright

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1) The digital image of a museum object, a digital museum object and data describing a museum object and digital image shall be made available to the public without restriction on access through the database of museums.

(2) If a museum object or data describing thereof in the database of the museum contains personal data, including a specific type of personal data, the museum may process personal data for the compliance with the targets of this act, taking account of the specifications provided for in this section. A museum shall mean a museum specified in subsection 2 of § 1 of this Act, a museum of a legal person in public law, municipal museum, a museum that has joined the database of museums and a museum that has received operating support from state budget on the basis of § 21.

(3) The digital image of a museum object, a digital museum object and data describing a museum object, a digital museum object and the digital image of a museum object, whose copyright or related rights belong to the museum on the basis of the law or transaction, are reusable under the terms and pursuant to the procedure provided for in the Public Information Act, taking account of the specifications laid down by this Act and the Copyright Act and with reference to the museum object and the museum into the museum collection of which the used digital museum object or the digital image of the museum object is included.

(4) The data subject shall have the right, at any time, to request that the making available to the public in the database of the museum of the personal data contained in the museum object or the data describing thereof be terminated in the museum database, except in the case the making available to the public of personal data does not cause excessive harm to the rights of the data subject.

(5) If a decision has been made to terminate the distribution of a museum object or making available to the public, the person may apply for access for the purposes of research and teaching through the museum into whose museum collection the museum object belongs. The right to grant access is decided by the head of the museum or a person appointed by the head of the museum, a person appointed by the founder of the museum of a legal person in public law or the decision-making body, who assess the justification of the application, the need for access and the reason for prohibiting distribution among the public.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

Chapter 3 Organisation of activities of museum

§ 17. Statutes of state museum

The statutes of a state museum shall be established by a regulation of the minister if the state museum is a state agency administered by the ministry and by a directive of the head of agency administered by the ministry or governmental authority if the state museum is a structural unit of that agency.

§ 18. Filling vacant post of head of state museum and museum of state foundation

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(1) A public competition is organised to fill a vacant post of the head of a state museum and a museum of state foundation.

(2) In case the state museum is a state agency administered by the ministry, the requirements for an applicant for the post of the head of a state museum and the procedure for the conduct of the public competition are established by a regulation of the minister.

(3) In case the state museum is a structural unit of a state agency administered by a ministry or government authority, the requirements for the candidate for the head of the state museum and the procedure for conducting a public competition are established by the directive of the head of that state agency or government authority.

(4) The conditions and procedure for organizing a public competition for the head of a museum of a state foundation are provided in the statutes of the foundation.

(5) The minister or the head of a state agency administered by the ministry or government authority enters into a fixed-term employment contract with the head of the state museum for up to five years.

(6) The chairman of the board of the state foundation signs a board member contract with the head of the museum of the state foundation for up to five years.

(7) The fixed-term employment contract of the head of the state museum and the contract of the board member of the museum of the state foundation may be extended once without holding a public competition.

(8) In case, for a good reason, it is not possible to fill the vacant post of the head of the museum of state foundation through a public competition, the board of the museum of the state foundation appoints the head of the museum with the consent of the founder or founders of the foundation without holding a public competition for up to one year.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 19. Museums Board

(1) The Museums Board is an advisory body of the minister in charge of the policy sector, consisting of representatives of the museums and founders thereof and other experts in the field of museums.

(2) The Museums Board shall make proposals and express opinions concerning the issues arising from this Act. The Museums Board shall have the right to examine the activities of a museum and the condition of museum collections on site.

(3) A member of the Museums Board may be paid remuneration for the participation in the work of the Museums Board. The amount of remuneration and the procedure for the payment thereof shall be established by a directive of the minister in charge of the policy sector.

§ 20. Financing of state museum

(1) The activities of a state museum are financed from the state budget to fulfill the objectives provided in the statutes of the museum.

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(2) A state museum may receive funds from grants, donations and fee-charging services related to the main activity of the museum, which may be provided on condition that they do not preclude the performance of the functions of the museum provided for in subsection 1 of § 2 of this Act.

(3) Upon establishing a fee for the provision of services by a state museum it shall be taken into account that:

- 1) visiting a museum is free of charge for a child of eight years of age and younger, a disabled person under 16 years of age and his or her escort and a person of 16 years of age and older who has a profound disability and their escort;

2) [Repealed – RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

3) the using of the digital image of a museum object, a digital museum object and the data describing the museum object and the digital image, made available in the database of museums on the basis of § 15 of this Act, shall be free of charge;

4) the grant for use of a museum object and the digital image thereof to a state museum or a museum of a state foundation shall be free of charge;

5) in the case of a sale of the print files of digital images the charged fee shall be cost based, which may be added reasonable return on investment.

[RT I, 06.01.2016, 1 – entry into force 16.01.2016]

(4) A list of fee-charging services related to the main activities of a state museum shall be established by a regulation of the minister if the state museum is a state agency administered by the ministry, and by a directive of the head of state agency administered by the ministry or a governmental authority if the state museum is a structural unit of this agency. The rates of fees shall be established by the directive of the head of the state museum.

(5) The direct documented costs of replenishment of the state-owned museum collection may be covered on the decision of the administrator of state assets at the expense of the money received from the sale of things

deaccessioned from the museum collection of the same museum and disposed of at a public auction on the basis of subsection 6 of § 11 of this Act.

§ 21. Principles of determination of support to museum from state budget

[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(1) Operating support from the state budget is assigned to the museum of the state foundation to fulfill the statutory goals of the museum and the expectations expressed by the founder or founders of the foundation through the ministry exercising the rights of the founder.

(2) A museum using a museum collection belonging to the state, which has not been established by the state, is assigned, for the performance of the tasks provided in the administrative contract, operating support from the state budget through the ministry, which is the administrator of the museum collection as state assets for the purposes of the State Assets Act.

(3) The operating support from the state budget may be assigned to a museum of a legal person in public law, a municipal museum and a private museum to ensure the diversity in the museum field or the regional availability of museum services or to fulfill the task arising from the law upon preserving the national cultural heritage and making it available.

(4) Additional conditions and procedure for applying for operating support from the state budget, assessing the applicant and awarding the support are established by a regulation of the minister in charge of the policy sector.

(5) In addition to operating support, the museum may be assigned a special-purpose support from the state budget for an individual activity that is important from the point of view of the development in the field or of a museum, of national culture, regional influence or international cooperation.

(6) The conditions and procedures for applying for a specific support from the state budget, assessing the applicant and assigning the support are established by a regulation of the minister in charge of the policy sector.
[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

§ 22. State and administrative supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) State and administrative supervision over the organisation of the museum collection that has joined the database of museums shall be conducted by the National Heritage Board.
[RT I, 19.03.2019, 13 – entry into force 01.05.2019]

(2) The National Heritage Board shall exercise supervision over:
[RT I, 19.03.2019, 13 – entry into force 01.05.2019]

1) the compliance of making decisions on the registration of things of cultural value as a museum object and acceptance on deposit with the procedure for replenishment of a museum collection and acceptance of a thing of cultural value on deposit with the museum established on the basis of subsection 5 of § 5 of this Act;

2) the compliance of acts and documents of the registration of things of cultural value as a museum object and acceptance on deposit with the museum, as well as of keeping record of the museum objects and things deposited in the museum, with the statutes of the database of museums established on the basis of subsection 1 of § 15 of this Act;

3) the compliance of the condition of the museum collection and things deposited in the museum and of the conditions of preservation and exhibition, marking and conducting inventories, as well as the principles of organisation of the museum collection, with the procedure for marking and preservation of a museum object and of a thing accepted on deposit with the museum, established on the basis of subsection 3 of § 6 of this Act.
[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

(3) In addition to that specified in subsection 2 of this section in the case of a museum that is using the state-owned museum collection the National Heritage Board shall check, in the course of administrative supervision, the compliance of using the museum collection with the administrative contract concluded on the basis of subsection 2 of § 9 of this Act.

[RT I, 19.03.2019, 13 – entry into force 01.05.2019]

§ 23. Special measures of state supervision and rate of non-compliance levy

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) The National Heritage Board may apply special measures of state supervision, provided for in §§ 30, 49, 50 and 51 of the Law Enforcement Act, for supervision provided for in this Act based on and pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 19.03.2019, 13 – entry into force 01.05.2019]

(2) Upon failure to comply with the precept, the maximum rate of non-compliance levy applied in accordance with the procedure provided in the Substitutional Performance and Non-Compliance Levies Act is 7,500 euros, upon a repeated failure to comply with the precept 15,000 euros.
[RT I, 11.03.2023, 6 – enters into force. 01.05.2023]

Chapter 4

Insurance of museum object and compensation by state for damage caused to owner of international exhibition

§ 24. Insurance of museum object

A culturally significant unique object included in the state-owned museum collection, which is temporarily sent to a foreign state and with regard to which the decision has not been made on guaranteeing the compensation for damage pursuant to subsection 2 of § 27 of this Act, shall be insured at its monetary value and to the extent of damage provided for in subsection 1 of § 26 of this Act.

[RT I, 21.12.2018, 5 – entry into force 01.01.2019]

§ 25. International exhibition and damage caused to owner thereof

(1) Upon planning temporary exhibition of a thing of significant artistic or historical value or a set of exhibition consisting of such things (hereinafter exhibition) a state museum and a museum using a state-owned museum collection may apply to the state for the grant of guarantees for payment of compensation (hereinafter compensation for exhibition damages) to cover direct material damage (hereinafter damage) caused to the owner of the exhibition under the conditions provided for in this Chapter.

(2) Compensation for exhibition damage may cover the damage that is caused by damage, destruction or loss of the following exhibitions:

- 1) an exhibition of an agency or person of a foreign state that is exhibited in Estonia in a state museum or a museum founded by the state and operating as a foundation (hereinafter inbound exhibition);
- 2) an exhibition consisting of a museum object or museum objects included in the state-owned museum collection that is exhibited in a foreign state (hereinafter outbound exhibition).

§ 26. Damage covered by compensation for damage to exhibition

(1) The compensation for damage to the exhibition may cover the following damages:

- 1) the costs of restoration or replacement of the exhibition if it is possible to restore or replace the exhibition;
- 2) the amount by which the total value of the exhibition evaluated in monetary terms (hereinafter value of exhibition) has decreased if it is impossible to restore or replace the exhibition that has been damaged, destroyed or lost.

(2) The amount specified in clause 2 of subsection 1 of this section may reach up to the value of the exhibition.

(3) The compensation for damage to the exhibition shall not cover the risks recognised in the practice of exhibiting international exhibitions, which the exhibitor of the exhibition cannot influence and take account of while granting a guarantee.

[RT I, 21.12.2018, 5 – entry into force 01.01.2019]

(3¹) A detailed list of risks which are not covered by the compensation for damage to the exhibition shall be established by a regulation of the Government of the Republic.

[RT I, 21.12.2018, 5 – entry into force 01.01.2019]

(4) Only the damage that has arisen after the decision has been made on guaranteeing the compensation for damage to the exhibition shall be covered by the compensation for damage to the exhibition.

[RT I, 21.12.2018, 5 – entry into force 01.01.2019]

§ 27. Application for and decision on guarantee of compensation for damage to exhibition

(1) The guarantee of compensation for damages to the exhibition may be applied for by a state museum and a museum using a state-owned museum collection that submits documents in proof of evidence that the organisation of work of the transporter and exhibitor of the exhibition and the exhibition space or building ensure the preservation of the exhibition and comply with the conditions set by the grantor of the exhibition for the purpose of exhibiting thereof, regardless of whether the exhibition is inbound or outbound.

(2) The decision on guaranteeing the compensation for damage to the exhibition or refusal thereof shall be made by the Government of the Republic or the minister in charge of the policy sector on the basis of the

authorisation by the Government of the Republic up to the upper limit specified in subsection 3 of § 28 of this Act.

[RT I, 21.12.2018, 5 – entry into force 01.01.2019]

§ 28. Amount and upper limit of compensation for damage to exhibition and compensation for damage

(1) The compensation for damage to the exhibition may cover the damage that has been caused within the following period:

1) in the case of the outbound exhibition from the moment that the exhibition is transferred to the transporter in Estonia until the moment the transporter transfers the exhibition to be returned into Estonia to a state museum or a museum operating as a foundation established by the state that has granted the use thereof;

2) in the case of the inbound exhibition from the moment that the exhibition is transferred to the transporter in a foreign state up to the moment the transporter transfers the exhibition to be returned to a foreign state at the agency or person having granted the use thereof.

(2) Taking account of the cultural significance of the exhibition, an abnormally high price of the compensation for damage or the existence of an insurance contract entered into on the basis of the Law of Obligations Act or a guarantee granted pursuant to an equivalent law of a foreign state it may be determined in the decision on guaranteeing the compensation for damage that the guaranteed compensation for damage shall cover only part of the composition, value, the period of exhibiting or transportation or territory of the exhibition. If the unsecured part of the compensation for damage is not covered by a guarantee granted pursuant to the equivalent law of a foreign state, it shall be guaranteed with the insurance contract to be concluded on the basis of the Law of Obligations Act.

[RT I, 21.12.2018, 5 – entry into force 01.01.2019]

(3) In the annual State Budget Act:

1) the upper limit of the total amount of compensation for damage to the exhibition guaranteed by the state shall be determined for the exhibitions to be exposed within the calendar year;

2) the amount of deductible valid in the calendar year shall be determined regardless of the value of the exhibition;

3) the titles of the planned exhibitions with the value exceeding ten million euros, the period of transportation and exhibition and the owner of the exhibition shall be presented;

4) other conditions and information relating to the guarantee shall be presented.

(4) If it is impossible to restore or replace the outbound exhibition, the compensation for damage to exhibition shall not be paid.

§ 29. Procedure for compensation for damage caused to owner of international exhibition

The procedure for compensation by the state of the damage caused to owner of international exhibition shall be established by a regulation of the Government of the Republic. The regulation sets out the principles of making a decision on the guarantee of the compensation for damage to exhibition and the procedure for submission and review of application, making a decision on the guarantee of the compensation for damage to exhibition, notification of the damage upon the event of damage, review and assessment of damage, payment of compensation for damage to exhibition and for reclaim of the compensation for damage to exhibition by the state.

Chapter 5 Implementation provisions

§ 30. Transition to financial accounting of museum object and thing assigned to auxiliary collection

Financial accounting shall be executed over museum objects and things to be acquired into the auxiliary collection from the entry into force of this Act.

§ 31. Validity of contract of employment for unspecified term of head of state museum

The current contract of employment for an unspecified term concluded with the head of a state museum shall remain valid upon the entry into force of this Act.

§ 32. Specification of deaccessioning from museum collection

The provisions of § 11 and subsection 3 of § 12 of this Act shall not be applied to things that were accepted on deposit with the museum and later registered as a museum object before the entry into force of the Museums Act on 14 December in the year 1996, and the specified things shall be returned to an entitled person on the basis of a document providing evidence of the acceptance on deposit.

§ 32¹. Implementation of § 26 of this Act

The redaction of § 26 of this Act in force until 31 December 2018 shall be applied to the exhibition to which the guaranteeing of the compensation for damage has been decided before 1 January 2019.
[RT I, 21.12.2018, 5 – entry into force 01.01.2019]

§ 33.–§ 36.[Amendment provisions of other Acts are omitted from this text.]

§ 37. Repeal of Museums Act

The Museums Act (RT I, 21.03.2011, 20) shall be repealed.

§ 38. Entry into force of Act

(1) This Act shall enter into force on 15 July in the year 2013.

(2) Clauses 1, 2, 4 and 5 of subsection 3 of § 20 of this Act shall enter into force on 1 January in the year 2014.
[RT I, 22.12.2013, 1 – entry into force 01.01.2014]

(3) § 35 of this Act shall enter into force on 1 July in the year 2014.
[RT I, 22.12.2013, 1 – entry into force 01.01.2014]